

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Richard A. Rosenbloom	:	
	:	
Application No.: 10/045,790	:	Group Art Unit: 1617
	:	
Filed: January 14, 2002	:	Examiner: Yong Soo Chong
	:	
For: ORAL COMPOSITIONS AND METHODS	:	Confirmation No.: 3053
FOR PREVENTION, REDUCTION AND	:	
TREATMENT OF RADIATION INJURY	:	

Mail Stop Amendment
Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Petitioner ("assignee") The Quigley Corporation, whose post office address is Kells Building, 621 Shady Retreat Road, P.O. Box 1349, Doylestown, PA 18901-1349 represents, through its attorneys, that it is the assignee of the entire right, title, and interest in and to the instant application, U.S. Patent Application No. 10/045,790, filed on January 14, 2002, for "Compositions and Methods for Prevention, Reduction and Treatment of Radiation Injury," in the name of Richard A. Rosenbloom, by virtue of an assignment recorded on May 28, 2002, at Reel 012935/Frame 0966. Evidentiary documents have been reviewed and the assignee certifies, to the best of assignee's knowledge and belief, title is in the name of the assignee seeking to file this Terminal Disclaimer.

Assignee, The Quigley Corporation, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, U.S. Patent Application No. 10/045,790, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior

to the grant of any patent granted on pending second Application No. 10/288,761, filed on November 6, 2002. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Assignee, The Quigley Corporation, hereby disclaims, under the provisions of 37 C.F.R. § 1.321, the terminal part of any patent granted on the instant application, U.S. Patent Application No. 10/045,790, which would extend beyond the earliest of the expiration date of the full statutory term, as presently shortened by any terminal disclaimer, of United States Patent No. 6,753,325. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,753,325.

Assignee does not disclaim the terminal part of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term, as presently

shortened by any terminal disclaimer, of United States Patent No. 6,753,325 in the event such patent expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole under 35 U.S.C. §253 and 37 C.F.R. §1.321(a), has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term, as presently shortened by any terminal disclaimer, except for separation of legal title as stated above. This agreement runs with any patent granted on the instant application and is to be binding upon the grantee its successors or assigns.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee payment of \$65.00 is being filed with this disclaimer. If there is any other fee due in connection with the filing of this Terminal Disclaimer, please charge the fee to our Deposit Account No. 50-0462.

Respectfully submitted,



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